

## Sollenberger, Dennis

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**From:** Dennis Sollenberger *FSME*  
**Sent:** Monday, February 11, 2008 3:02 PM  
**To:** Monica Orendi  
**Subject:** Fwd: regs

here's the NJ question.

Dennis

>>> "Jenny Goodman" <[Jenny.Goodman@dep.state.nj.us](mailto:Jenny.Goodman@dep.state.nj.us)> 02/08/2008 2:11 PM >>>

Dennis,

James McCullough is doing Part 71, so I am just passing on questions from him that we cannot answer. Thanks.

Jenny.. my general question about Part 71 is as follows:

Several times there are references like: "or any term, condition or limitation of any license, certificate, or other approval issued by the Commission" and I am not certain how to adopt this.

It is my understanding that:

(a) NJ will take over licenses (Any licenses that NRC retains would still be bound by NRC Part 71 as published)

(b) NRC is keeping certificates.

I am left with an incomplete understanding of what exactly these other "approvals" might be. My guess that "approvals" relates to any request for an exemption to package design/testing requirements (including: Type B, Type A Exempted, Excepted, Exempt, etc.). My read of the regs indicated that NRC will remain the agency that receives such requests for approval and that the State wouldn't have the Authority to approve one anyway. Is this correct?

If so, for example, my proposed language for 10 CFR 71.8(d)1 would be to replace "or any term, condition or limitation of any license, certificate, or approval issued by the Commission" with "or any term, condition or limitation of any license issued by the Department; or any term, condition or limitation of any certificate, or approval issued by the Commission";

Thanks.

James